

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

CASE NUMBER:
DIVISION: CV-H

LESTER BUSBY COURSON, as
Personal Representative of the Estate of
ELIJAH HAMMONDS, deceased,

Plaintiff,

vs.

FAMILY SUPPORT SERVICES OF
NORTH FLORIDA, INC., THE
CHILDREN'S HOME SOCIETY OF
FLORIDA and CHARLETTE SIMONE
STRICKLAND,

Defendants.

COMPLAINT

The Plaintiff, LESTER BUSBY COURSON, as Personal Representative of the Estate of ELIJAH HAMMONDS, deceased, by and through the undersigned attorney, sues the Defendants, FAMILY SUPPORT SERVICES OF NORTH FLORIDA, INC., THE CHILDREN'S HOME SOCIETY OF FLORIDA and CHARLETTE SIMONE STRICKLAND and alleges:

ALLEGATIONS COMMON TO ALL COUNTS

1. This is an action for damages in excess of \$15,000.0, exclusive of interest and costs.

2. At all times material hereto, the Plaintiff was and is a resident of Jacksonville, Duval County, Florida.

3. At all times material hereto, Defendant, FAMILY SUPPORT SERVICES OF NORTH FLORIDA, INC. (hereinafter referred to as "FSSNF"), was and is a Florida corporation doing business in Jacksonville, Duval County, Florida.

4. At all times material hereto, Defendant, THE CHILDREN'S HOME SOCIETY OF FLORIDA, INC. (hereinafter referred to as "CHILDREN'S HOME SOCIETY"), was and is a Florida corporation doing business in Jacksonville, Duval County, Florida.

5. At all times material hereto, Defendant, CHARLETTE SIMONE STRICKLAND, was and is a resident of Jacksonville, Duval County, Florida.

6. The acts and omissions giving rise to this lawsuit occurred in Jacksonville, Duval County, Florida.

7. In October, 2014, ELIJAH HAMMONDS, a minor child, entered into foster care.

COUNT I

NEGLIGENCE OF FAMILY SUPPORT SERVICES OF NORTH FLORIDA, LLC

8. Plaintiff realleges the allegations in paragraphs 1 through 7 above as if fully set forth herein.

9. At all times material hereto and in accordance with § 409.1671, Fla. Stat., the State of Florida contracted with Defendant, FSSNF, to run the foster care system in cities and counties throughout Florida, including Duval County, Florida.

10. At all times material hereto, Defendant, FFSNF, was the community-based lead agency for foster care in Duval County, Florida.

11. At all times material hereto, Defendant, FFSNF, through community-based care, provided services and programs to help prevent child abuse and neglect and to care for children in the foster care system in Jacksonville, Duval County, Florida, including but not limited to ELIJAH HAMMONDS.

12. At all times material hereto, Defendant, FSSNF, subcontracted with Defendant, CHILDREN'S HOME SOCIETY, to be the direct provider of foster care and related services in Jacksonville, Duval County, Florida and in particular with respect to ELIJAH HAMMONDS.

13. At all times material hereto, Defendant, FFSNF, owed ELIJAH HAMMONDS the following duties:

- a. To provide ELIJAH HAMMONDS with all appropriate and necessary services;
- b. To provide ELIJAH HAMMONDS with appropriate living conditions necessary to meet his needs;
- c. To use reasonable care in the oversight and supervision of ELIJAH HAMMONDS to ensure that he was adequately cared for in a safe and appropriate placement;
- d. To comply with all applicable statutes and administrative code provisions governing the care and placement of children in foster care;
- e. To outline a plan of care to handle any and all special management issues identified in ELIJAH HAMMONDS' history;
- f. To continually assess the adequacy and safety of ELIJAH HAMMONDS' living arrangements;

- g. To ensure that case workers make all necessary and appropriate referrals for evaluations and services necessary for the health and safety of ELIJAH HAMMONDS;
- h. To ensure that Defendant, CHILDREN'S HOME SOCIETY, fulfilled all of its contractual obligations with regards to the foster care provided by it to ELIJAH HAMMONDS; and
- i. To properly supervise its agents, including but not limited to Defendants, CHILDREN'S HOME SOCIETY and CHARLETTE SIMONE STRICKLAND.

14. Defendant, FSSNF, breached its duties as outlined above and was negligent in its placement, care, evaluation, assessment and services provided to ELIJAH HAMMONDS while he was under the care and control of Defendant, FSSNF.

15. As a direct and proximate result of the breach of its duties and negligence of Defendant, FSSNF, ELIJAH HAMMONDS died on January 31, 2015.

16. As a direct and proximate result of the negligence of Defendant, FSSNF, the following parties have suffered the following losses:

- a. KELLY COURSON HAMMONDS, as mother and survivor of the Decedent has suffered the future loss of support and services of the Decedent from the date of Decedent's death and has experienced mental pain and suffering from the date of the Decedent's death; and
- b. CHARLES HAMMONDS, as father and survivor of the Decedent has suffered the future loss of support and services of the Decedent from the

date of Decedent's death and has experienced mental pain and suffering from the date of the Decedent's death.

WHEREFORE, Plaintiff, LESTER BUSBY COURSON, as Personal Representative of the Estate of ELIJAH HAMMONDS, demands judgment for damages against Defendant, FAMILY SUPPORT SERVICES OF NORTH FLORIDA, INC., in an amount in excess of \$15,000.00, exclusive of costs and interest in this action and further demands trial by jury of all issues so triable.

COUNT II

NEGLIGENCE OF THE CHILDREN'S HOME SOCIETY OF FLORIDA

17. Plaintiff realleges the allegations in paragraphs 1 through 7 and 11 above as if fully set forth herein.

18. At all times material hereto, Defendant, CHILDREN'S HOME SOCIETY, was a subcontractor of Defendant, FSSNF, and was the direct provider of foster care and related services in Jacksonville, Duval County, Florida and in particular with respect to ELIJAH HAMMONDS.

19. At all times material hereto, Defendant, CHILDREN'S HOME SOCIETY, owed ELIJAH HAMMONDS the following duties:

- a. To provide ELIJAH HAMMONDS with all appropriate and necessary services;
- b. To provide ELIJAH HAMMONDS with appropriate living conditions necessary to meet his needs;

- c. To use reasonable care in the oversight and supervision of ELIJAH HAMMONDS to ensure that he was adequately cared for in a safe and appropriate placement;
- d. To comply with all applicable statutes and administrative code provisions governing the care and placement of children in foster care;
- e. To outline a plan of care to handle any and all special management issues identified in ELIJAH HAMMONDS' history;
- f. To continually assess the adequacy and safety of ELIJAH HAMMONDS' living arrangements;
- g. To ensure that case workers make all necessary and appropriate referrals for evaluations and services necessary for the health and safety of ELIJAH HAMMONDS;
- h. To ensure that Defendant, FSSNF, fulfilled all of its contractual obligations with regards to the foster care provided by it to ELIJAH HAMMONDS; and
- i. To properly supervise its agents, including CHARLETTE SIMONE STRICKLAND.

20. Defendant, CHILDREN'S HOME SOCIETY, breached its duties as outlined above and was negligent in its placement, care, evaluation, assessment and services provided to ELIJAH HAMMONDS while he was under the care and control of Defendant, CHILDREN'S HOME SOCIETY.

21. As a direct and proximate result of the breach of its duties and negligence of Defendant, CHILDREN'S HOME SOCIETY, ELIJAH HAMMONDS died on January 31, 2015.

22. As a direct and proximate result of the negligence of Defendant, CHILDREN'S HOME SOCIETY, the following parties have suffered the following losses:

- a. KELLY COURSON HAMMONDS, as mother and survivor of the Decedent has suffered the future loss of support and services of the Decedent from the date of Decedent's death and has experienced mental pain and suffering from the date of the Decedent's death; and
- b. CHARLES HAMMONDS, as father and survivor of the Decedent has suffered the future loss of support and services of the Decedent from the date of Decedent's death and has experienced mental pain and suffering from the date of the Decedent's death.

WHEREFORE, Plaintiff, LESTER BUSBY COURSON, as Personal Representative of the Estate of ELIJAH HAMMONDS, demands judgment for damages against Defendant, THE CHILDREN'S HOME SOCIETY OF FLORIDA, in an amount in excess of \$15,000.00, exclusive of costs and interest in this action and further demands trial by jury of all issues so triable.

COUNT III

NEGLIGENCE OF CHARLETTE SIMONE STRICKLAND

23. Plaintiff realleges the allegations in paragraphs 1 through 7 above as if fully set forth herein.

24. At all times material hereto, Defendant, CHARLETTE SIMONE STRICKLAND, was a licensed foster care provider in Jacksonville, Duval County, Florida and in particular with respect to ELIJAH HAMMONDS.

25. At all times material hereto, Defendant, CHARLETTE SIMONE STRICKLAND, owed ELIJAH HAMMONDS the following duties:

- a. To provide ELIJAH HAMMONDS with all appropriate and necessary care and services;
- b. To provide ELIJAH HAMMONDS with appropriate living conditions necessary to meet his needs;
- c. To follow all instructions of medical care providers to ensure the safety and health of ELIJAH HAMMONDS; and
- d. To report any changes in the medical condition of ELIJAH HAMMONDS to Defendants, FSSNF and CHILDREN'S HOME SOCIETY;

26. Defendant, CHARLETTE SIMONE STRICKLAND, breached her duties as outlined above and was negligent in the care, treatment, evaluation, assessment and services provided to ELIJAH HAMMONDS while he was under the care and control of Defendant, CHARLETTE SIMONE STRICKLAND.

27. As a direct and proximate result of the breach of its duties and negligence of Defendant, CHARLETTE SIMONE STRICKLAND, ELIJAH HAMMONDS died on January 31, 2015.

28. As a direct and proximate result of the negligence of Defendant, CHARLETTE SIMONE STRICKLAND, the following parties have suffered the following losses:

- a. KELLY COURSON HAMMONDS, as mother and survivor of the Decedent has suffered the future loss of support and services of the Decedent from the date of Decedent's death and has experienced mental pain and suffering from the date of the Decedent's death; and

- b. CHARLES HAMMONDS, as father and survivor of the Decedent has suffered the future loss of support and services of the Decedent from the date of Decedent's death and has experienced mental pain and suffering from the date of the Decedent's death.

WHEREFORE, Plaintiff, LESTER BUSBY COURSON, as Personal Representative of the Estate of ELIJAH HAMMONDS, demands judgment for damages against Defendant, CHARLETTE SIMONE STRICKLAND, in an amount in excess of \$15,000.00, exclusive of costs and interest in this action and further demands trial by jury of all issues so triable.

DEMAND FOR JURY TRIAL

The Plaintiff demands trial by jury of all issues so triable.

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